IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,)) 9,42CD64				
	Plaintiff,) 8:12CR61)				
	vs.) DETENTION ORDER				
CL	INTON BOSS,					
	Defendant.	,				
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on February 29, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
C.	distribute methamphetan carries a minimum sen maximum of forty years (b) The offense is a crime of (c) The offense involves a name of (d) The offense involves a law of the evidence against (a) The weight of the evidence against (a) The history and characteristics (a) General Factors: X	and includes the following: the offense charged: try to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § 846 tence of five years imprisonment and a imprisonment. If violence, tractic drug, tract				

		(b)		f the current arrest, the defendant was on: pation
			Parc	
				ease pending trial, sentence, appeal or completion of ence.
		(0)		
		(C)	Other Factor	
			depo	defendant is an illegal alien and is subject to ortation.
			The depo	defendant is a legal alien and will be subject to ortation if convicted.
			has	Bureau of Immigration and Custom Enforcement (BICE) placed a detainer with the U.S. Marshal.
V	(4)	Tl	Othe	
<u>X</u>	(4)	are as	ature and seriousness of the danger posed by the defendant's release is follows: The nature of the charges in the Indictment and the dant's substance abuse and criminal history.	
V	(5)	Dobut	table Presur	nntions
X (5) Rebuttable Presumptions		the defendant should be detained, the Court also relied		
				uttable presumption(s) contained in 18 U.S.C. § 3142(e)
				ds the defendant has not rebutted:
	V			
	<u>X</u>	_ (a)		ition or combination of conditions will reasonably assure
				nce of the defendant as required and the safety of any
				and the community because the Court finds that the
			crime involve	
				A crime of violence; or
				An offense for which the maximum penalty is life
				imprisonment or death; or
				A controlled substance violation which has a maximum
				penalty of 10 years or more; or
				A felony after the defendant had been convicted of two
				or more prior offenses described in (1) through (3)
				above, <u>and</u> the defendant has a prior conviction for one
				of the crimes mentioned in (1) through (3) above which
				is less than five years old and which was committed
				while the defendant was on pretrial release.
	Χ	(b)		ition or combination of conditions will reasonably assure
			nce of the defendant as required and the safety of the	
				ecause the Court finds that there is probable cause to
			believe:	р
				That the defendant has committed a controlled
				substance violation which has a maximum penalty of 10
				years or more.
				That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and in
				relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment
				if committed by the use of a deadly or dangerous
				weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from

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- persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 29, 2012. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge